

2015

WORKSHOP REPORT

[ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS APPEARANCE- INTERVENTION- MONITORING]

*Jointly Organized by District Legal Services Authority (DLSA), Jodhpur and
Commonwealth Human Rights Initiative (CHRI)*



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PURPOSE

In the year 2012 Rajasthan State Legal Services Authority introduced the **Legal Assistance to Person in Custody Scheme**(also known as the Remand & Bail lawyer Scheme) to ensure access to legal representation by appointing one lawyer in each court to defend persons in custody. In February 2015, the fifth batch of Remand & Bail Lawyers was appointed in Jodhpur. On 27th February 2015 a workshop was conducted to orient the newly appointed Remand and Bail Lawyers about the scheme at DRDA Hall, Jodhpur. The workshop centered on the training the newly appointed R&B lawyers about their responsibilities under the scheme. A case study exercise was also conducted for a better understanding the legal provisions and procedures relating to remand and bail.

THE INAUGURAL SESSION

The Inaugural session was graced by the presence of the District Judge, Shri Ram Singh Meena; Additional District Judge, Shri Mahesh Kumar Sharma; Retd. IG Prison, Shri. R.K. Saxena and Senior Advocate, Shri Mahesh Bora.

Sana Das, the Coordinator of the Prison Reforms Programme of CHRI initiated the inaugural session by welcoming the esteemed panel and the participants. Ms. Das also introduced the work of CHRI and explained how in the last twenty years CHRI has been working on safeguards built to ensure Transparency, Liberty and Dignity. To materialize the same, the focus of its work has been centered on:

- Fair Appointment of Duty Holders
- Implementation of mandate of the Duty Holders
- Activating Monitoring Bodies



Shri Ram Singh Meena

Shri Ram Singh Meena then delivered his message to the lawyers. He thanked CHRI for organizing the orientation programme which would in-turn ensure the welfare of undertrials as intended by the scheme.

As the chairman of the District Legal Services Authority, Jodhpur he talked about the multiple schemes by NALSA, RLSA, DLSA such as the Panel & Retainer Lawyers scheme, Remand & Bail Lawyers Scheme among others. Talking about the Remand & Bail lawyers scheme he talked about the importance of access to legal aid, and thus how crucial is the role of the lawyers appointed under the scheme to ensure fair trial. He asked all the remand & bail lawyers present to take due note of not only the laws and procedures relating to remand and bail, but also their duties under the scheme. He said that it is the duty of the Bar to put its best efforts to ensure that the rights of the accused are safeguarded.



Shri Radha Kant Saxena

Shri. Saxena talked about the basic tenets of our constitution- Liberty, Equality, Equity and Justice which should be available to every citizen of the country. He said that the intent behind Section 39A of the Constitution of India was to ensure that the legal battle was between equals. He went on to talk about the judgments of Justice P.N. Bhagwati and Justice V.R. Krishna Iyer on the importance of the reach of justice to the poorest of the poor. On the Remand & Bail Lawyers scheme, Mr. Saxena said that the spirit of the scheme is to provide competent lawyers who can act as links and fill the gap between the learned judges and the general public. If the lawyers and

the magistrates understand the spirit with which these schemes are made and implement it accordingly, it will bring fairness and equality in the justice delivery system. He also discussed about Section 167 IPC as an important tool for social defense.



Shri Dalpat Singh Rajpurohit

Shri. Dalpat Singh Rajpurohit introduced the Remand & Bail Scheme to the lawyers and explained the responsibilities and duties of the lawyers under the scheme in great detail. He shared that this was the 5th Batch of the Remand & Bail Lawyers in Jodhpur post the introduction of the scheme in May 2012. He explained that the intention of the scheme is to ensure legal representation to inmates in Jail, people in Mental Health Institutions, and juveniles in Observation homes. He shared the duties of the Remand & Bail Lawyers as opposing unnecessary remand, applying bail applications, and other miscellaneous applications.



He also highlighted the importance of monitoring the work done under the scheme. He explained the procedures relating to recording of daily attendance and month end reports to be executed by all the lawyers appointed. He also clarified that these appointed lawyers are expected to assist the DLSA in the implementation of other schemes as well.

THE LAW & PRACTICE SESSION

After the Inaugural session, the responsibilities of the Lawyers while opposing remand and filing bail applications were discussed. Also, certain responsibilities of the magistrates crucial to ensure smooth functioning of the scheme were touched upon.

Additional District Judge Shri Mahesh Kumar Sharma clarified the procedures as well as the law relating to Bail, Remand as well as the Juvenile Justice Act.

Senior Advocate, Shri Mahesh Bora talked about the problems with the law, the practice and the attitude of the duty holders on the issues of Remand and Bail.



ROLE OF REMAND & BAIL LAWYERS

1. Opposing Remand

- ❖ **Protecting Constitutional and Legislative Safeguards:** Lawyers are expected to be vigilant about the condition of the accused produced from the custody of the police. He should inquire if the accused was subjected to any ill-treatment and the same should be informed to the magistrate and be requested to be noted down in the remand order. Lawyers should familiarize themselves of the provisions of Section 41A of IPC and the Arnesh Kumar v State of Bihar and Anr. judgment so that they can challenge unreasonable arrests.
- ❖ **Challenging Reasons for granting Remand:** The legislature has provided 24 hours after the arrest to the police to carry on preliminary investigation during the presence of the accused in custody. Invariably, when produced after 24 hours, remands are sought by the police without any prior investigation. Remands are usually sought and given to recover under Section 27 of the Evidence Act. It is the responsibility of the lawyers to not give the police an opportunity to create evidence under the guise of section 27.
- ❖ **Productions during Court Holidays:** Remand hours are fixed on Sundays and Court Holidays. The R& B lawyer appointed in court working on the given holiday should therefore be present during these two hours of production.
- ❖ **Productions after 5 pm-** The designated lawyers should inform the magistrate/ reader when they leave court for the day and ensure that their contact details are available, so that they may be called if required later in the day.
- ❖ **Preventive Detention Cases:** The working of the executive magistrate court is different from the regular judicial magistrate court. It is the responsibility of the Remand & Bail Lawyer to inform the court about the responsibility of the remand & bail lawyer, to be present in the court regularly and thus ensure that the scheme can reach out to people under preventive detention cases.

2. Filing Bail Applications

Drafting bail applications: Drafting bail applications should be taken very seriously. In the present scenario, set formats are used by the lawyers; just basic details are changed for each case. Bail applications are drafted very 'casually'. Lawyers are expected to draft each of their bail applications and mention all the relevant facts and grounds in the application.

Using Section 167: Lawyers should be vigilant to move bail application after 60-90 days if the charge-sheet has not been filed.

Preparation: Lawyers must read out the sections which have been alleged against the accused. He should also be able to satisfy the court with the help of legal provisions and judgments

Local Sureties: The practice of insisting on local sureties is not proper. If the client has sureties outside the state where the case is being tried, the lawyers should oppose insistence on local sureties.

RESPONSIBILITIES OF THE MAGISTRATES AT THE STAGE OF REMAND & BAIL

- ❖ **Arrest:** Magistrate to determine whether the arrest was made after some amount of investigation and there was some apprehension that the crime was committed by the accused. Compliance of 41A should be checked.
- ❖ **Remanding and Recovery:** When the accused is produced in front of the magistrate after 24 hours, it is a crucial time for magistrate to decide whether further detention should be provided or not. Remand should only to be given when detention is must. The magistrate must deal with the arguments made by the police as well as the lawyer to be able to decide whether it should remand the accused to police custody or not. The magistrate should not allow the misuse of Section 27 of the Evidence Act to extend remand. Creation of evidence entirely on Sec. 27 of the Evidence Act is killing the powers of Sec. 25 and Sec. 26 of the Act.
- ❖ **Speaking orders:** Remand orders should be speaking orders. It should be reasoned and should speak for itself. Magistrate cannot give remand to police custody merely based on police request.
- ❖ **Local Sureties:** The practice of insisting on local sureties while granting bail should be discouraged.
- ❖ **Executive Magistrate Court:** Executive Magistrate court must also display the name of the R&B lawyer outside the court.

ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS
APPEARANCE- INTERVENTION- MONITORING

After this session, the lawyers present were divided into four groups; each group was given a case study exercise and was asked to present the arguments prepared by them on the questions asked. The case studies were based on Preventive Detention Cases, Bail application in Bailable and Non-bailable offences, the amount and type of sureties being asked, and also on access to legal aid.

All the groups presented their cases which were followed by detailed discussions from the panelists and participants from other groups.



After the case studies were discussed, the orientation came to an end with the closing comments from Shri. Mahesh Kumar Sharma.

Annexures

I. Legal Assistance To Person In Custody Scheme

RAJASTHAN STATE LEGAL SERVICES AUTHORITY

RAJASTHAN HIGH COURT CAMPUS, JAIPUR BENCH, JAIPUR

No. RLSA/ Legal Aid Council Scheme/ 13th F.C./2011

Date: 17-2-2012

To,

The Chairman
District Legal Services Authority
(District & Sessions Judge)
All Rajasthan.

Sub: Regarding Model Scheme for Legal Aid Counsel in Rajasthan.

Sir,

While enclosing copy of the Model Scheme for Legal Aid Counsel in all the Courts of Magistrate, I am directed to request you that as per the Scheme the District Legal Services Authority may prepare a panel of Legal Aid Counsel preferably with a minimum standing of 5 years on criminal side. The Advocates from this panel may be attached to the Courts of Magistrates and may be called the "Legal-Aid Counsel". The remuneration for trial of the case, fee schedule for acting as a defense counsel, appointed by District Legal Services Authority/ Taluk Legal Services Committee, as the case may be for added person shall be separately as per Regulation 22 of the Rajasthan State Legal Services Authority Regulations, 1999. All payments to the Legal Aid Counsel may be made after submitting monthly report regarding attendance of the Legal Aid Counsel at the time of remand bail or miscellaneous application as the case may be to the concerned judicial officer. The names of the Legal Aid Counsel may be displayed outside the Court to which he is attached and also affix hoardings in the Police Stations and Jails. The Printed Proforma of nomination letters to be issued to Legal Aid Counsel is also attached for ready reference. These instructions may be complied with in letter and spirit and compliance report of implementation of the model scheme shall be sent by 24th February, 2012.

Remuneration payable to Legal Aid Counsel under this scheme will be paid from the funds allocated to your District Legal Services Authority under recommendation of the Finance Commission under head Legal Aid to eligible persons.

Yours sincerely

(K.B.Katta)

Member Secretary

Date: 17-2-2012

Encl.As above

No: 18734-18737

Copy forwarded to the following for information:

1. Registrar-cum-Principal Secretary to the Hon'ble the Chief Justice, Rajasthan High Court, Jodhpur.
2. Secretary, Rajasthan High Court Legal Services Committee, Jodhpur/Jaipur.
3. District & Sessions Judge, Jodhpur District, Jodhpur.

(K.B.Katta)

Member Secretary.

LEGAL ASSISTANCE TO PERSON IN CUSTODY SCHEME

GUIDELINES

In exercise of the powers conferred by clause (g) of section 2 read with clause (a) of sub-section (2) of Section 7 and Section 12(g) of the Legal Services Authorities Act, 1987, the state authority hereby makes the following scheme guidelines, namely:-

1. The Scheme may be called the Legal Assistance to Person in Custody Scheme.
2. (a) Act means Legal Services Authority Act, 1987 (No. 39 of 1987).

(b) District Authority means District Legal Services Authority constituted under Section 9 of the Act.

(c) Person in custody shall have the same meaning as defined in the Section 12(g) of the Act.
3. The District Authority or Taluk Committee, as the case may be, shall prepare
 - a) Panel of counsels for nomination of Legal Aid Counsel for each Court of Magistrate or more, depending upon the quantum of remand cases received each day, for defending persons in custody.
4. Such Legal Aid Counsel should have put at least 5 years of practice at the Bar.
5. The District Authority or Taluk Committee, as the case may be, shall nominate one Legal Aid Counsel from the panel of Counsels prepared by them, for each court of Magistrate or more, depending upon the quantum of remand cases received each day, for defending persons in Custody.
6. It would be the duty of the Legal Aid Counsel so nominated to oppose remand, apply for bail and move miscellaneous applications as may be required.
7. It shall be the duty of the Legal Aid Counsel so nominated to remain present during remand hours and such as may be directed by Courts concerned.
8. The District Legal Services Authority or Taluk Committee, as the case may be, shall insist upon certificate from the Court concerned about the regular attendance of the Legal Aid Counsel Concerned.
9. A Legal Aid Counsel so nominated shall be paid a fixed honorarium of Rs. 1000/- per month for discharging his functions, in addition to incidental charges.

10. The District Authority or Taluk Committee, as the case may be, shall give wide publicity to this scheme and display boards outside the Court room. The Boards should also disclose the names of Legal Aid Counsel and his address and that no payment is required to be made by the persons in custody for availing of the services of the Legal Aid Counsel. The Legal Aid Counsel shall not prepare and display any personal board or name plate at anywhere and misuse his capacity as Legal Aid Counsel.
11. Any Legal Aid Counsel demanding remuneration from the aided persons or misuse his capacity shall be liable to be removed from panel and his nomination shall be cancelled immediately.
12. The District Authority or Taluk Committee, as the case may be, shall change the nomination of Legal Aid Counsel after every six months and to nominate to another counsel from the panel so prepared for this purpose, as per rotation.
13. The District Authority or Taluk Committee, as the case may be, can take services of such Legal Aid Counsel for other legal services programmes and schemes implemented by them. It would be the duty of the Legal Aid Counsel so nominated to assist concerned authority or committee for implementation of legal services programmes or schemes.
14. After the stage of bail/ remand, if the accused desires and entitled for legal aid, his application form, for providing legal aid, can be sent to concern District Legal Services Authority/ Taluk Legal Services Committee for necessary action.
15. The Legal Aid Counsel will keep details of the case in which he has extended his legal services in the concern Court in this regard and by the end of the month, he will submit it to the concern Presiding Officer of the Court, which will be forwarded to the Chairman, Taluk Committee or Chairman, District Authority as the case may be. The Chairman, District Authority will send consolidated statistical information at the end of every Quarter to the State Authority.

(K.B.Katta)

Member Secretary.

ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS
APPEARANCE- INTERVENTION- MONITORING

II. AGENDA

27TH FEBRUARY 2015

DRDA HALL, COLLECTORATE AREA, JODHPUR

| | |
|-------------------|--|
| 2.00 pm - 2.30 pm | <p>Inaugural Session</p> <ul style="list-style-type: none"> ❖ Introducing the program & CHRI's work ; CHRI Representative, Ms. Sana Das (5 minutes) ❖ Need for Legal Aid Lawyers and Remand & Bail Lawyers; Retd. I.G. Prison, Shri.R.K. Saxena (5 minutes) ❖ Laying out the Objective & Role of R&B Lawyers; DLSA Secretary, Jodhpur, Shri. Dalpat Singh Rajpurohit (5 minutes) <p>Voices from the Bench& Bar</p> <ul style="list-style-type: none"> ❖ Additional District Judge, Shri M.K. Sharma (5 minutes) ❖ Senior Advocate, Shri Mahesh Bora (5 minutes) <p style="text-align: center;">Keynote Address by the District Judge, Shri Ram Singh Meena (5 mins)</p> |
| 2.30 pm – 3:00 pm | <p>Introducing the Rajasthan Model Scheme; CHRI Representative, Mr. Raja Bagga</p> <p>Method: Power-point Presentation</p> |
| | Tea |
| 3.00 pm –4.30 pm | <p>The Law & Practice</p> <ul style="list-style-type: none"> ❖ Opposing unnecessary Remand ❖ Bail & Bonds ❖ Intervention at Police Station ❖ Juvenile Justice <p>Method: Case Study</p> <p>Panel : <i>Shri Dalpat Singh Rajpurohit, Senior Adv. Mahesh Bora and Shri. R.K.Saxena</i></p> <p>Moderator: <i>Ms. Sana Das</i></p> |
| 4.30 pm – 5.00pm | <p>Remand & Bail Lawyers: Interaction& Feedback</p> <ul style="list-style-type: none"> ❖ Queries and Suggestions from the Remand & Bail Lawyers ❖ Filling up of the Feedback forms ❖ Closing Comments |
| 5.00 pm Onwards | High Tea |

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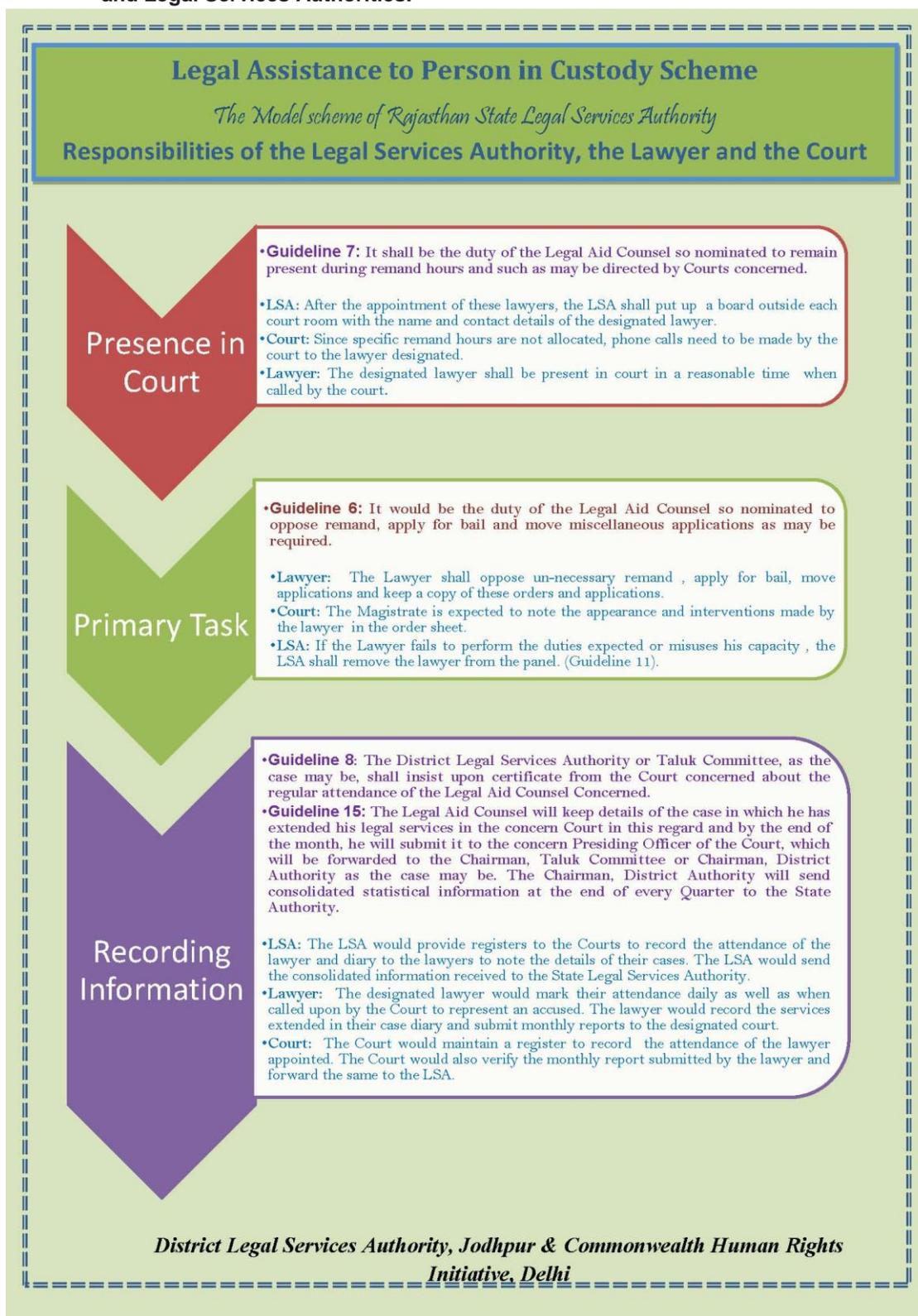
III. The List of Remand & Bail Lawyers who attended the Orientation

| S. No. | Name | Enrolment No. | Mobile No. | Court |
|--------|------------------------|---------------|------------|---------------|
| 1 | Mamta Goswami | R/1439/06 | 9261670438 | MM 1 |
| 2 | Anil Limba | 130/2009 | 9829131713 | MM 2 |
| 3 | Jai Prakash Jha | 1082/2002 | 9024410140 | MM 4 |
| 4 | Ganpat Singh Rathor | R/1119/04 | 9414678453 | MM 5 |
| 5 | Neetu Vyas | 1143/99 | 8560980887 | MM 6 |
| 6 | Laxmi Ramavat | 802/02 | 9829423030 | MM 7 |
| 7 | Mrs. Bharat Kumar | R/794/86 | 9413502512 | MM 8 |
| 8 | Ashok Kumar Joshi | R/580/05 | 9413871461 | MM Metro |
| 9 | Krishna Chandra Sharma | 147/89 | 9829816182 | MM (MOBILE) |
| 10 | Mr. Arun Vyas | R/926/00 | 9460052895 | ACMM NO 1 |
| 11 | Sumeer Singh Rajput | 814/02 | 9413570014 | ACMM NO 2 |
| 12 | Asmin Bano | R/1780/06 | 9251395350 | ACMM NO 3 |
| 13 | Anjana Dadhich | 640/03 | 9413600580 | ACMM NO 4 |
| 14 | Abdul Rauf | R 2750/08 | 9414612732 | ACMM NO 5 |
| 15 | Santosh Choudhary | R/191/01 | 9314218267 | ACMM NO 6 |
| 16 | Mrs. Neetu Bala | R/2990/03 | 9214657836 | ACMM (CBI) |
| 17 | Mr. Rajkumar Gaur | 841/04 | 9414476953 | ACMM (EO) |
| 18 | Sumitra Choudhary | 1066/02 | 9462378708 | ACMM (PCPNDT) |
| 19 | Mohd. Sabeer | 2011/08 | 9950533400 | ACMM (RLY) |
| 20 | Harnaam Prasad Kheechi | 1281/2001 | 9352320718 | ACP HQ |
| 21 | Manju Chaudhary | 1336/99 | 9414401665 | GN Mandore |

The Remand & Lawyers who could not attend the Orientation

| | | | | |
|----|---------------|-----------|------------|------|
| 22 | Sonika Sharma | R/2216/03 | 9929454139 | MM 3 |
| 23 | Umesh Mewara | R/857/02 | 9829537884 | CMM |

IV. CHRI and Jodhpur DLSA also formulated a Responsibility Note for the Lawyers, the Court and Legal Services Authorities.



V. Monthly reporting format

Guideline 15 of the Legal Assistance to Person in Custody Scheme CHRI mandates the lawyer to submit a monthly report detailing the work extended by him. CHRI and DLSA Jodhpur formulated a format for this monthly reporting. Jodhpur Remand & Bail Lawyers are expected to use this format to submit their work report to the DLSA every month.

अभिरक्षा में व्यक्ति की विधिक सहायता योजना / रिमांड एवं ज़मानत अधिवक्ता
योजना की दिशानिर्देश संख्या 15 के अनुसार :

न्यायालय का नाम व संख्या _____
रिमांड एवं ज़मानत अधिवक्ता का नाम _____
माह _____

में _____ जो की न्यायालय संख्या _____ में रिमांड व
ज़मानत अधिवक्ता के तौर पर नियुक्त हूँ, यह उल्लेखित करता हूँ कि मैंने अपनी नियमित
उपस्थिति न्यायालय में प्रदान की है, तथा मैंने निम्न प्रकरणों में विधिक सेवा बतौर रिमांड एवं
ज़मानत अधिवक्ता प्रदान की है।

| क्रम सं. | उनवान | प्रकरण सं. (सी.आर.नं.) | सुनवाई की तारीके | प्रकरणों में किया गया हस्तक्षेप | यदि कोई प्रार्थना पत्र प्रस्तुत किया गया हो |
|----------|-------|---------------------------|---------------------|------------------------------------|--|
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पीठासीन अधिकारी का सत्यापन

VI. Evaluation Report: Feedback on the functioning of the Remand & Bail Scheme in Jodhpur

Legal Assistance to Person in Custody Scheme (popularly known as the Remand & Bail Scheme) was introduced by Rajasthan State Legal Services Authority in 2012. In the year 2013 & 2014, CHRI conducted multiple training sessions with the Remand & Bail lawyers as well as the Panel lawyers appointed in Jodhpur.

In order to understand the implementation of the scheme, CHRI invited the 29 Remand & Bail lawyers appointed in the fourth batch (for the period July 2014 to December 2014) under the scheme in Jodhpur on 25th February 2015. 11¹ lawyers were present for the session. The lawyers present were asked to fill-up a feedback form (attached). The feedback form was prepared in the form of a questionnaire based on the guidelines provided under the Legal Assistance to Person in Custody Scheme.

ANALYSIS OF THE RESPONSES RECEIVED

The information provided is for the entire tenure of these Remand & Bail Lawyers i.e. 6 months.

❖ QUANTUM OF CASES

| Quantum | No. of lawyers | Courts |
|--------------------------|-----------------------|--|
| Less than 5 cases | 8 | M.M 2; JM Distt; ACMM 5; MM 6; A.C.M.M Railway court; MM 5; A.C.M.M 1; C.M.M |
| 5-10 cases | 2 | A.C.M.M 2; AC.M.M (RT) |
| Not provided | 1 | Railway court |

¹One lawyer from the 3rd batch also attended the session.

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❖ **COURT VISITS**

| Court Visits | No. Of Lawyers | Courts |
|----------------------------|-----------------------|---|
| 2-3 Times | 1 | C.M.M |
| Once A Day | 7 | M.M 2; JM Distt; ACMM 5; MM 6; A.C.M.M Railway Court; MM 5; A.C.M.M 1 |
| Every Alternate Day | 1 | A.C.M.M 2 |
| Once A Week | 1 | AC.M.M (RT) |
| Once A Month | 1 | Railway Court |

❖ **NUMBER OF TIMES THE COUNSELS WERE CALLED BY THE COURTS**

| Number of times called | No. of lawyers | Courts |
|-------------------------------|-----------------------|--------------------------|
| 2-3 times | 2 | M.M 2; JM Distt |
| Always | 3 | ACMM 5; MM 5; C.M.M |
| More than 6-8 times | 1 | A.C.M.M 2 |
| More than 10 times | 1 | AC.M.M (RT) |
| No | 2 | Railway court; A.C.M.M 1 |
| N.A. | 1 | A.C.M.M Railway court |
| Blanks | 1 | MM 6 |

All the counsels appeared each time they were called for.

❖ **ALLOTMENT OF SPECIFIC REMAND HOURS**

| Specific hours allotted | No. of Lawyers | Courts |
|--------------------------------|-----------------------|--|
| Yes | 7 | M.M 2; JM Distt; ACMM 5; A.C.M.M 2; MM 6; AC.M.M (RT); C.M.M |
| NO | 4 | Railway court; A.C.M.M Railway court; MM 5; A.C.M.M 1 |

**ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS
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❖ **USUAL TIME OF PRODUCTION IN THE COURTS**

10 of the 11 lawyers stated that there was no specific time for production in the courts they were appointed. One lawyer mentioned that the usual time was during afternoon.

❖ **NUMBER OF CASES IN WHICH AN ACCUSED WAS REPRESENTED AND NUMBER OF BAIL/MISCELLANEOUS APPLICATIONS FILED –**

| No. of Cases | No. of Lawyers | |
|-------------------|-------------------|----------------------------|
| | Bail Applications | Miscellaneous Applications |
| None at all | 3 | 5 |
| Less than 5 cases | 5 | 4 |
| 5-10 cases | 3 | 2 |

❖ **OPPOSING UNNECESSARY REMAND**

| Opposed Unnecessary Remand | Number of Occasions |
|----------------------------|---------------------|
| Never | 1 |
| Less than 5 | 3 |
| 5 to 10 | 4 |
| Not replied | 3 |

❖ **CONTRIBUTION TO OTHER LEGAL AID SCHEMES**

| Contribution to Other Legal Aid Schemes | Response |
|---|----------|
| No | 9 |
| Not replied | 2 |

ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS
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❖ RECORDS OF THE APPEARANCES

| Appearance Recorded | Response |
|--------------------------|----------|
| Not Recorded | 8 |
| Recorded on a register | 1 |
| Recorded in Remand Order | 1 |
| Not replied | 1 |

❖ AWARENESS OF DUTIES

| Awareness of Duties | Response |
|---------------------|----------|
| Aware | 10 |
| Unaware | 1 |

- ❖ PROCEDURE OF PAYMENT OF FEE - 7 counsels stated that the payment of fees was made after the acknowledgement of the appearance certificate, 1 counsel mentioned that payment was done six months after in the bank account, 1 has mentioned that he has yet not received the fee, 1 mentions that the procedure of payment was very difficult.

SUGGESTIONS TO IMPROVE THE SCHEME

- Most of the counsels suggested that the tenure of 6 months is too short, however they are of different opinions as to what should be the tenure.
- It was also suggested that the Secretary of DLSA should do proper monitoring of all Bail & remand courts & that Bail and Remand Lawyers should be introduced with the Magistrates.
- Another valuable suggestion was that maintenance of an attendance/appearance register should be mandatory on the Courts.

The Feedback Form

Name: _____

Registration Number: _____

Remand & Bail Lawyer Batch Number: _____

Name of the Court: _____

1. What was the per day quantum of remand cases in the court to which you were appointed?
a) Less than 5 b) 5-10 cases c) 10-20 d) more than 20

2. How often did you visit the court in which you were appointed as the Remand & Bail Lawyer?
(Kindly tick one)
a) 2-3 times during a day
b) Once a day
c) Every Alternate day
d) Once a week
e) Once a month
f) Never

3. Were you called by the court when any unrepresented inmate was produced? How many times?

4. Were you able to make appearances in all the times you were called upon?
a) Mostly b) Often c) Rarely d) Never

5. Were any specific remand hours allotted in the court you were assigned as an R&B lawyer? a) Yes b) No

6. What was the usual time of production in the court you were assigned as an R&B lawyer?
a) Anytime b) Morning c) Afternoon

7. As a Remand & Bail Lawyer, can you recall the number of cases where you represented an accused?
a) None at all b) Less than 5 c) 5-10 d) 10-20 e) more than 20

8. Number of applications made by you in any case as a Remand and Bail Lawyer?

ORIENTATION OF JODHPUR REMAND AND BAIL LAWYERS
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i) Number of Bail Applications :

- a) None at all b) Less than 5 c) 5-10 d) 10-20 e) more than 20

ii) Number of occasions opposed unnecessary remand :

- a) None at all b) Less than 5 c) 5-10 d) 10-20 e) more than 20

iii) Other miscellaneous applications filed:

- a)None at all b) Less than 5 c) 5-10 d) 10-20 e) more than 20

9. Did you contribute to any other legal aid scheme or service of the state during your tenure as Remand & Bail lawyer? Please mention which ones and how many times?

10. How did the court record your appearance? Did the court certify your appearance in all cases?

- a) On a register b) on the remand order c) did not record

11. Did you submit the details of your appearances and interventions made in the court to the Magistrate or DLSA? If yes, how often?

12. Were you aware of the duties assigned under the Remand & Bail Scheme during your tenure?

13. What was the procedure of payment of fees for services rendered by you under this scheme?

14. Your suggestions to improve the scheme?

ABOUT CHRI

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. CHRI's objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

The Prison Reform Programme of CHRI is focused on increasing transparency of a traditionally closed system and exposing malpractice. The programme aims to improve prison conditions, reform prison management, enhance accountability and foster an attitude of cooperation between the various agencies of the criminal justice system in place of the prevailing indifference and discrimination. It seeks to achieve its goals through research, legal analysis and advice, advocacy, capacity building, network building and conference facilitation.